

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
UNITED STATES OF AMERICA	:	
	:	PRELIMINARY ORDER OF
- v. -	:	FORFEITURE AS TO SUBSTITUTE
	:	<u>ASSETS</u>
JOSEPH EZRIEL STERN,	:	
a/k/a "Izzy,"	:	16 Cr 525 (JGK)
a/k/a "EZ,"	:	
	:	
Defendant.	:	
-----	X	

WHEREAS, on or about August 2, 2016, JOSEPH EZRIEL STERN, a/k/a "Izzy," a/k/a "EZ" (the "defendant"), was charged in an Indictment, 16 Cr. 525 (JGK) (the "Indictment"), with conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h) (Count One); and money laundering, in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2 (Counts Two through Four);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Four of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), of any and all property, real or personal, involved in the offenses alleged in Counts One through Four of the Indictment;

WHEREAS, on or about May 26, 2017, the defendant was found guilty, following a jury trial, of Counts One through Four of the Indictment;

WHEREAS, on or about August 10, 2018, the Court entered a Consent Preliminary Order of Forfeiture/Money Judgment directing the entry of a money judgment in the amount of \$1,899,700.00 in United States currency (the "Money Judgment");

WHEREAS, the entire Money Judgment against the Defendant remains unpaid;

WHEREAS, as a result of acts and omissions of the Defendant, the Government, despite its exercise of due diligence, has been unable to locate or obtain the remaining proceeds of the offenses charged in Counts One through Four of the Indictment;

WHEREAS, the Government has identified the following assets in which the Defendant has an ownership interest:

- a. any and all funds on deposit in account number 27546749 held at the Berkshire Bank in the name of Joseph E. Stern and Miriam Stern;
- b. any and all funds on deposit in account number 27547966 held at the Berkshire Bank in the name of Joseph E. Stern;
- c. any and all funds on deposit in account number 27547613 held at the Berkshire Bank in the name of Joseph E. Stern;
- d. any and all funds on deposit in checking account number 1000046092 held at Dime Bank in the name of Joseph E. Stern and Miriam Stern;
- e. any and all contents of safe deposit box 315 at Dime Bank, Boro Park branch location in Brooklyn, New York;
- f. Any and all contents of safe deposit box 551 at Citibank Branch 230 located in Brooklyn, New York; and
- g. 1163 57<sup>th</sup> Street, Brooklyn, New York 11219 recorded as Block 5689, Lot 55, in Kings County, City of Brooklyn, State of New York;

(a – g, collectively, the “Substitute Assets”)

WHEREAS, the Government is seeking the forfeiture of all of the defendant’s right, title, and interest in the Substitute Assets;

NOW IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. All of the Defendant's right, title, and interest in the Substitute Assets is hereby forfeited to the United States of America, for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853(n).

2. Upon the entry of the Final Order of Forfeiture, the Substitute Assets shall be applied towards the satisfaction of the Money Judgment entered against the Defendant. Any proceeds from the sale of the Substitute Assets in excess of the Money Judgement shall be returned to the defendant.

3. Upon entry of this Preliminary Order of Forfeiture as to Substitute Assets, the United States Marshals Service or its designee, shall be authorized to seize the Substitute Assets and hold the Substitute Assets in its secure custody.

4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Preliminary Order of Forfeiture as to Substitute Assets. Any person, other than the Defendant in this case, claiming an interest in the Substitute Assets must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. The notice referenced in the preceding paragraph shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Substitute

Assets, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the Substitute Assets and any additional facts supporting the petitioner's claim and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

6. The United States may also, to the extent practicable, provide direct written notice to any person, other than the Defendant, known to have an alleged interest in the Substitute Assets, as a substitute for published notice as to those persons so notified.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Substitute Assets, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

8. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture of Substitute Assets, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

9. Pursuant to Federal Rule of Criminal Procedure Rule 32.2(b)(3), upon entry of this Preliminary Order of Forfeiture of Substitute Assets, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of the property subject to forfeiture, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

10. The Clerk of the Court shall forward four certified copies of this Preliminary Order of Forfeiture of Substitute Assets to Assistant United States Attorney Alexander J. Wilson, Chief, Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York, 10007.

Dated: New York, New York

~~June \_\_, 2019~~

May 28, 2020

SO ORDERED:

/s/ John G. Koeltl

---

HONORABLE JOHN G. KOELTL  
UNITED STATES DISTRICT JUDGE